

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DANIEL KLEEGERG, LISA STEIN and AUDREY HAYS,

Plaintiffs,

v.

LESTER EBER, ALEXBAY, LLC f/k/a LESTER EBER, LLC,  
ESTATE OF ELLIOTT W. GUMAER, JR. and WENDY EBER,

Defendants,

and

EBER BROS. & CO, INC., EBER BROS. WINE AND LIQUOR  
CORP., EBER BROS. WINE & LIQUOR METRO, INC., EBER-  
CONNECTICUT, LLC, EBER-RHODE ISLAND, LLC, EBER BROS.  
ACQUISITION CORP., EBER-METRO, LLC, SLOCUM & SONS  
OF MAINE, INC., and CANANDAIGUA NATIONAL BANK &  
TRUST COMPANY,

Nominal Defendants.

Civil Action No.  
16-CV-9517(LAK/KHP)

**DECLARATION OF  
JILLIAN K. FARRAR**

Jillian K. Farrar, Esq., an attorney admitted to practice law before this Court,  
states and declares the following under the penalty of perjury:

1. I am an associate of Underberg & Kessler LLP, attorneys for Defendants  
Lester Eber, Alexbay, LLC f/k/a Lester Eber LLC, Eber Bros. & Co., Inc., Eber Bros.  
Wine and Liquor Corp., Eber Bros. Wine & Liquor Metro, Inc. Eber-Connecticut, LLC,  
Eber-Rhode Island, LLC, Eber Bros. of Maine, Inc. and Wendy Eber (collectively, the  
“Eber Defendants”). As such, I am fully familiar with all pleadings and prior proceedings  
had herein.

2. I submit this Declaration and Exhibit in opposition to Plaintiffs’ Motion for  
Summary Judgment.

3. Attached is the following Exhibit referenced in the accompanying Eber Defendants' Response to Plaintiffs' Statement of Material Facts:

Exhibit A: Deposition Testimony of Frank C. Torchio taken August 23, 2019.

I declare under penalty of perjury pursuant to 28 USC §1746 that the foregoing is true and correct.

Dated: December 6, 2019  
Rochester, New York

/s/ Jillian K. Farrar

Jillian K. Farrar